

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

OTHEANER DEON MURPHY

§

VS.

§

CIVIL ACTION NO. 1:23cv311

WARDEN, MARK W. STILES UNIT

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Otheaner Deon Murphy, an inmate at the Goree Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing this action with prejudice as frivolous and for failure to state a claim upon which relief may be granted.

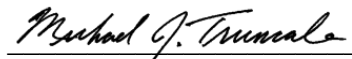
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. A copy of the report and recommendation was mailed to plaintiff at the address provided to the court. Plaintiff acknowledged receipt of the report and recommendation on November 28, 2023. No objections to the Report and Recommendation of United States Magistrate Judge have been filed.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report and recommendation of the magistrate judge is ADOPTED. Additionally, it is

**ORDERED** that, to the extent plaintiff's complaint may be interpreted as asserting state law claims, the Court declines to exercise supplemental jurisdiction in this action pursuant to 28 U.S.C. § 1367(c). A separate final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED** this 5th day of January, 2024.

A handwritten signature in black ink, reading "Michael J. Truncala", is written over a horizontal line.

Michael J. Truncala  
United States District Judge